

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Felix Eliezer Ureña

v.

Civil No. 14-cv-323-LM

Bruce Pelkie, Superintendent,
Strafford County Department of
Corrections, et al.

REPORT AND RECOMMENDATION

Before the court is plaintiff Felix Eliezer Ureña's notice of voluntary withdrawal of this action (doc. no. 24). The court construes the notice as a motion to allow Ureña to voluntarily dismiss this case, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. Ureña states that he does not wish to proceed with this case. Ureña's request to voluntarily dismiss this matter (doc. no. 24) should thus be granted, and the action should be dismissed without prejudice. See Fed. R. Civ. P. 41(a)(2). Further, the pending motion for summary judgment (doc. no. 18), filed by defendants, which has been referred to this magistrate judge for a Report and Recommendation, pursuant to LR 72.1, should be denied as moot.

Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the

specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).

Andrea K. Johnstone

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United States Magistrate Judge

August 11, 2015

cc: Felix Eliezer Ureña, pro se
Corey M. Belobrow, Esq.